



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY ATTORNEY

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PRIVILEGED AND CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION

December 12, 2018

INTEROFFICE MEMORANDUM

TO: Mayor Ted Wheeler

FROM: Tracy Reeve
City Attorney

SUBJECT: Steps to Avoid Any Potential Conflicts of Interest or Ethics Issues –
Personnel Matter

Michael Cox and Michelle Plambeck have previously disclosed that they are in a personal relationship and have asked for legal advice on how to fully comply with any legal or ethical obligations. As the City Attorney, I am providing the following legal advice to you.

The anti-nepotism rule (HRAR 3.10) does not appear to directly apply inasmuch as Mr. Cox and Ms. Plambeck are neither married nor domestic partners. Moreover, Ms. Plambeck does not directly report to Mr. Cox (she reports to Deputy Chief of Staff Kristin Dennis, who in turn reports to Mr. Cox). Nonetheless, in order to avoid even the appearance of a conflict of interest, and to comply with not only the letter but the spirit of HRAR 3.10 and 11.02, I advise that you take the following steps:

- Direct that Michael Cox is expressly precluded from deciding, evaluating or making recommendations regarding Michelle Plambeck's work for the purpose of performance evaluations, counseling, discipline, pay increases, promotions or similar employment decisions, and that Michael Cox shall not make any decisions or recommendations regarding Michelle Plambeck's employment.
- Direct that Michelle Plambeck shall continue to report to her direct supervisor Kristin Dennis, who for purposes of supervising Michelle Plambeck's employment, shall report directly to you and not to Michael Cox. In the event of temporary absences on the part of Kristin Dennis, and until reassigned to another direct supervisor, direct that Michelle Plambeck shall report directly to you.

This can be accomplished by your signature on the attached directive, to be provided to Michael Cox, Kristin Dennis and Michelle Plambeck.

TPR/ccj
Attachments